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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12
13 Plaintiff,
14 v.
15 CARL ROBERT MARCINIAK,
16 Defendant.

Case No. 3:20-cr-00035-MMD-CSD

**STIPULATION TO CONTINUE
FINAL REVOCATION OF
SUPERVISED RELEASE HEARING
(SECOND REQUEST)**

17 IT IS HEREBY STIPULATED AND AGREED by and through Federal Public
18 Defender RENE L. VALLADARES, Assistant Federal Public Defender CHRISTOPHER P.
19 FREY counsel for CARL ROBERT MARCINIAK, and United States Attorney JASON
20 FRIERSON, Assistant United States Attorney RICHARD CASPER counsel for the UNITED
21 STATES OF AMERICA, that the Final Revocation of Supervised Release Hearing set for
22 December 19, 2022, at 9:00 AM, be vacated and continued to June 12, 2023, at 9:00 AM.
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This Stipulation is entered into for the following reasons:

1. Undersigned counsel request that this matter be continued to allow the parties to continue negotiations toward a resolution of this matter.
2. The sole violation alleged in the petition is based on the filing of criminal charges against Mr. Marciniak in the Southern District of California in *United States v. Volmer et al.*, Case No. 3:21-cr-01310-5. ECF No. 5 (sealed). A copy of the *Volmer* docket is attached here as Exhibit A. Litigation in that matter is ongoing. Trial is set for June 13, 2023. Because the outcome on the petition in this case depends on the resolution of Mr. Marciniak's out-of-district case, the parties are seeking to trail this final revocation hearing.
3. Failure to grant this extension of time would deprive the defendant continuity of counsel and the effective assistance of counsel.
4. Mr. Marciniak is currently on bond.
5. The parties agree to the continuance.
6. This is the second request for a continuance of the final revocation hearing.

DATED this 15th day of December, 2022.

RENE L. VALLADARES
Federal Public Defender

JASON FRIERSON
United States Attorney

By /s/ Christopher P. Frey

By /s/ Richard Casper

CHRISTOPHER P. FREY
Assistant Federal Public Defender
Counsel for CARL MARCINIAK

RICHARD CASPER
Assistant United States Attorney
Counsel for the Government

ORDER

Based on the Stipulation of counsel, and good cause appearing,

IT IS THEREFORE ORDERED that the Final Revocation Hearing currently set for December 19, 2022, at 9:00 AM, be vacated and continued to June 12, 2023, at 9:00 AM.

DATED this 15th day of December, 2022.

A handwritten signature in blue ink, consisting of a stylized 'M' followed by a large loop and a trailing flourish.

UNITED STATES DISTRICT JUDGE